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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,735	12/11/2003	Marius Ghercioiu	5150-80501	5641
Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel PC P.O. Box 398 Austin, TX 78767				
7590 05/29/2008			EXAMINER AUGUSTINE, NICHOLAS	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 05/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,735

Applicant(s)

GHERCIOIU ET AL.

Examiner

NICHOLAS AUGUSTINE

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1.4.6 and 8-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1.4.6 and 8-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 05/02/2008. This action is made **Final**.
- B. Claims 1,4,6 and 8-30 remain pending.
- C. Rejection under 35 USC 102(e), Ghercioiu et al. is withdrawn.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 4, 6 and 8-30 rejected under 35 U.S.C. 102(e) as being anticipated by Dove et al. (US 2003/0035004 A1), herein referred to as "Dove".

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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As for independent claims 1 and 28, Dove teaches a computer-implemented method and corresponding medium for programming an embedded device, the method comprising, creating a graphical program (par.18), wherein the graphical program specifies a function to be performed by the embedded device (par.72); storing the graphical program on a mobile computer (par.19); and transmitting the graphical program from the mobile computer to the embedded device over a serial link (par.24); wherein after said transmitting, the embedded device is operable to execute the graphical program to perform the specified function (par.74-75) wherein the embedded sensor device comprises one or more sensors, and wherein the embedded sensor device does not include a display (par.72); using a PDA for the method of programming an embedded sensor device (par.67).

As for dependent claim 4, Dove teaches the method of claim 2, wherein the sensor interface comprises a compact sensor interface between approximately 3 cm.times.3 cm and approximately 6 cm.times.6 cm (par.68; various sizes are apparent given the wide range of instruments that can be embedded to the PDA).

As for dependent claim 6, Dove teaches the method of claim 1. Dove does not expressly mention wherein said creating the graphical program is performed on the mobile computer (par.88).

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As for dependent claim 8, Dove teaches the method of claim 1, wherein the serial link comprises a serial cable (par.67).

As for dependent claim 9, Dove teaches the method of claim 1, wherein the serial link comprises a wireless serial link (par.67).

As for dependent claim 10, Dove teaches the method of claim 9, wherein the wireless serial link comprises an infrared serial link (note the analysis of claim 9).

As for dependent claim 11, Dove teaches the method of claim 10, wherein the infrared serial link comprises a short range infrared serial link (note the analysis of claim 9).

As for dependent claim 12, Dove teaches the method of claim 9, wherein the wireless serial link comprises a short-range wireless serial link or an 802.11 serial link (note the analysis of claim 9).

As for dependent claim 13, Dove teaches the method of claim 1, further comprising, analyzing the graphical program for function dependencies to generate required modules; analyzing the graphical program to determine an execution sequence (par.23); and generating a flatfile based on the required modules and execution sequence, wherein the flatfile contains the functionality of the graphical program (par.111).

As for dependent claim 14, Dove teaches the method of claim 13, wherein said transmitting the graphical program from the mobile computer to the embedded device over a serial link comprises, transmitting the flatfile to the embedded device over the serial link (par.67 and 111).

As for dependent claim 15, Dove teaches the method of claim 14, further comprising, the embedded device processing the flatfile to generate an executable, wherein, in the embedded device being operable to execute the graphical program to perform the specified function, the embedded device is operable to execute the executable to perform the specified function (note the analysis of claim 14)

As for dependent claim 16, Dove teaches the method of claim 1, further comprising, the embedded device executing the graphical program to perform the function (par.73).

As for dependent claim 17, Dove teaches the method of claim 16, wherein the embedded device executing the graphical program generates data, the method further comprising, the embedded device sending the data to the mobile computer; and the mobile computer displaying the data (note the analysis of claim 6).

As for dependent claim 18, Dove teaches the method of claim 17, wherein the embedded device sending the data to the mobile computer; and the mobile computer

displaying the data are performed using a Front Panel Protocol (par.73 and 90).

As for dependent claim 19, Dove teaches the method of claim 17, wherein said sending the data to the mobile computer comprises sending the data to the mobile computer over a serial cable (note the analysis of claim 8).

As for dependent claim 20, Dove teaches the method of claim 17, wherein sending the data to the mobile computer comprises sending the data to the mobile computer over a wireless serial link (note the analysis of claim 9).

As for dependent claim 21, Dove teaches the method of claim 20, wherein the wireless serial link comprises an infrared serial link (note the analysis of claim 9).

As for dependent claim 22, Dove teaches the method of claim 10, wherein the infrared serial link comprises an IrDA serial link (note the analysis of claim 9).

As for dependent claim 23, Dove teaches the method of claim 9, wherein the wireless serial link comprises a Bluetooth serial link or an 802.11 serial link (note the analysis of claim 9).

As for dependent claim 24, Dove teaches the method of claim 16, wherein the embedded device executing the graphical program generates data, the method further

comprising, executing a different graphical program on the mobile computer, wherein said executing the different graphical program comprises, performing a discovery operation to detect and establish communications with the embedded device; retrieving the data from the embedded device via a wireless serial transmission medium; and displaying the data on the mobile computer (note the analysis of claim 1-23 above).

As for dependent claim 25, Dove teaches the method of claim 24, wherein the wireless serial transmission medium comprises an infrared serial link (note the analysis of claim 9).

As for dependent claim 26, Dove teaches the method of claim 10, wherein the infrared serial link comprises an IrDA serial link (note the analysis of claim 9).

As for dependent claim 27, Dove teaches the method of claim 9, wherein the wireless serial link comprises a Bluetooth serial link or an 802.11 serial link (note the analysis of claim 9).

As for dependent claim 29, Dove teaches a system for programming an embedded device, the system comprising, a mobile computer system, comprising, a processor; a memory medium coupled to the processor, wherein the memory medium stores the program and a plurality of components of a program execution system, wherein the memory medium also stores program instructions executable to analyze the program to

determine a subset of the plurality of components required for execution of the program; and a display coupled to the processor and memory medium; and an embedded device coupled to the computer system via a serial transmission medium, wherein the embedded device comprises, a processor; and a memory medium coupled to the processor, wherein the memory medium stores a minimal execution system; wherein the memory medium of the mobile computer system further stores program instructions which are executable by the processor of the computer system to, transmit the program and the subset of the plurality of components to the embedded device over the serial transmission medium (note the analysis of claim 2); wherein the minimal execution system is executable by the processor of the embedded device to execute the program using the subset of the plurality of components; and wherein the mobile computer is operable to receive data from the embedded device and display the data on the display (note the analysis of claims 1-28 above).

As for independent claim 30, Dove teaches a hand-held computer, comprising: a processor; a memory medium coupled to the processor, wherein the memory medium stores a graphical program, wherein the graphical program specifies a function to be performed by a sensor interface device; and a display coupled to the processor and memory medium; wherein the memory medium further stores program instructions which are executable by the processor to: analyze the graphical program; convert the graphical program into a format suitable for transmission over a serial link to the sensor interface device (note the analysis of claim 2 above); and transmit the converted

graphical program from the hand-held computer to the sensor interface device over the serial link; wherein after said transmitting, the sensor interface device is operable to execute the converted graphical program to perform the specified function; and wherein the memory medium further stores program instructions which are executable by the processor to: receive data from sensor interface device during execution of the converted graphical program; and display the received data on the display (not the analysis of claims 1-28 above).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments with respect to claims 1,4,6 and 8-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Augustine/

Art Unit: 2179

Examiner
Art Unit 2179
May 22, 2008

/Ba Huynh/
Primary Examiner, Art Unit 2179